IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 579 OF 2005

Shri Vikas Harishchandra Kamble ..Petitioner.

Versus

Smt. Rohini Vikas Kamble ..Respondent.

Mr. Harshal N. Mirashi for the Petitioner.

CORAM : S. A. BOBDE, J.

DATED : 05TH JULY, 2005.

P.C.:

1. The petitioner has challenged the order, granting maintenance to the Respondent at Rs. 5000/- per month and Rs. 2000/- per trip. The learned counsel for the petitioner submitted that this amount has been awarded even though the Respondent did not appear and prove her claim for maintenance. Vide para -3 of the impugned order, it appears that the petitioner has contended that the Respondent is of unsound mind. The learned counsel for the petitioner

states that these were the submissions made, in any case not within the meaning of the term "unsound mind" as understood in law. In the circumstances, the only course for the petitioner is to approach the Family Court at Bandra and get this position clarified because if the Respondent is of unsound mind, then the petitioner will have to take steps under Order 32 of the Code of Civil Procedure.

2. Allowed to withdraw with liberty to take appropriate steps before the Family Court. In the meanwhile, there shall be no stay to the order of maintenance, having regard to the circumstances of the case.

05.07.2005 (S.A.BOBDE,J.)

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